

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

KEVIN YOUNG,	)	
	)	Civil Action No. 3: 11-cv-00219
Plaintiff,	)	
	)	United States District Judge
v.	)	Kim R. Gibson
	)	
SOMERSET COUNTY JAIL, DR. POGIE,	)	United States Magistrate Judge
MRS. SANDY POGIE, MS. TAMMIE	)	Cynthia Reed Eddy
WARHUL, NURSE CINKO, NURSE	)	
McCARTHY, and SOMERSET COUNTY JAIL	)	
WARDEN,	)	
	)	
Defendants.	)	

**MEMORANDUM ORDER**

On September 27, 2011, the above captioned case was initiated by the filing of a Motion for Leave to Proceed *in forma pauperis* (ECF No. 1) and was referred to United States Magistrate Judge Cynthia Reed Eddy for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1), and the Local Rules of Court for Magistrate Judges. On October 11, 2011, the Motion for Leave to Proceed *in forma pauperis* was granted. In his original complaint, Plaintiff named only the Somerset County Jail. (ECF No. 3).

In April, 2013, Plaintiff filed an Amended Complaint in which he added six (6) additional defendants: Dr. Pogie, Mrs. Sandy Pogie, Ms. Tammie Warhul, Nurse Cinko, Nurse McCarthy, and the Somerset County Jail Warden (ECF No. 17).

On June 10, 2013, the Medical Defendants filed a Motion to Dismiss (ECF No. 36). On June 27, 2013, the Correctional Defendants filed their own Motion to Dismiss (ECF No. 40). Despite being granted an extension of time on three (3) separate occasions in which to respond to the motions, Plaintiff failed to do so.

On October 25, 2013, the Magistrate Judge filed a Report and Recommendation (ECF No. 49) recommending that the motions to dismiss be granted in their entirety. Plaintiff was served with the Report and Recommendation at his listed address and was advised that he had until November 12, 2013, to file written objections to the Report and Recommendation. To date, no objections have been filed nor have any requests for an extension of time in which to file objections been filed.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

**AND NOW**, this 19<sup>th</sup> day of November, 2013:

1. The Motion to Dismiss filed by Defendants Pogie, Mrs. Sandy Pogie, Ms. Tammie Warhul, Nurse Cinko, and Nurse McCarthy (ECF No. 36) is **GRANTED**; and
2. The Motion to Dismiss filed by Defendants Somerset County Jail and the Warden of Somerset County Jail (ECF No. 40) is **GRANTED**;

**IT IS FURTHER ORDERED** that the Report and Recommendation (ECF No. 49) dated October 25, 2013, is **ADOPTED** as the Opinion of the Court.

**IT IS FURTHER ORDERED** that the Clerk of Court mark this case **CLOSED**.

**AND IT IS FURTHER ORDERED** that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

BY THE COURT:



Kim R. Gibson  
United States District Judge

cc: KEVIN YOUNG  
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